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HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:4602 of 2006

DATED:09-03-2006

Between:

The Executive Engineer, R.W.S.Division,

Sanga Reddy, Sadhashivpet, Medak

..... PETITIONER

AND

1. The Authority under payment of Wages Act and The Assistant Commissioner of Labour Post. SangaReddy, Medak District and another.

.....RESPONDENTS

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ORAL ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for labour appearing for the respondents.

This writ petition is filed seeking a writ of prohibition restraining the first respondent from further hearing the matter involved in P.W.6 of 1996.

Petitioner would contend that since the second respondent is admittedly drawing Rs.65/- per day and if the amount of daily wages is calculated for a period of 26 days, monthly wages which he draws exceeds Rs.1600/- and as such the first respondent does not have the jurisdiction to adjudicate upon the claim made by a workman who draws a monthly salary in excess of Rs.1600/-.

It is to be noted that the entire claim in P.W.6 of 1996 is for a sum of Rs.5,915/-. Since the questions as to whether the second respondent is a workman and as to whether the provisions of Payment of Wages Act apply to him are matters, which can be decided by the first respondent itself and as the claim involved is for a meager amount of Rs.5,915/-, I do not see any reason to issue a writ of prohibition or to entertain a writ petition seeking a writ of prohibition.

The writ petition is accordingly dismissed. No order as to costs.

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09th March, 2006

SKM